

## REMARKS

### Claim Rejections – 35 USC §102 to Hitchcock.

The Office Action alleges that “Hitchcock discloses a data interpreter that receives said data and said at least selected instruction, said data interpreter translates said data into a plurality of actions with respect to said target.” [Office Action at p.3]. The Office Action further alleges that Hitchcock discloses a target application interface that receives at least said plurality of actions and that selectively issues some of said plurality of actions for externally (via local area networks) operating the target application and that relays feedback from the target application back through the data interpreter to the user interface. *Id.* Applicant respectfully traverses.

**Hitchcock does not disclose a data interpreter that translates data into a plurality of actions with respect to the target, nor does Hitchcock disclose a target application interface that . . . selectively issues some of said plurality of actions for externally operating the target.** ✓

Hitchcock describes an electronic mentor system including “a software distribution engine that drives a series of software programs.” *See Hitchcock*, Col. 3: 34-36. This distribution engine “represents a computer program that interfaces between the computer programs within the diagnosis, prescription, learning treatments, measurement, and feedback portions of the electronic mentor.” *See Hitchcock*, Col. 4: 20-24. An interface to the programs within the diagnosis, prescription, learning treatments, measurement, and feedback portions of the electronic mentor is not a data interpreter that translates data into a plurality of actions with respect to said target.

The excerpt of the specification cited by the Examiner, *Hitchcock* Col. 10: 21-40, describes the learning treatments that a user of Hitchcock’s system can access. These learning treatments are not the target application. “The dynamic help, job aids, and computer-based

training represent examples of computer software programs (learning treatment 18) that preferably reside within the distribution engine 15 of the present invention.” *See Hitchcock* Col. 4: 64 to Col. 5: 4.

By suggesting that the learning treatments be updated to correspond with the latest version of a computer software application, Hitchcock teaches away from a system that translates data into instructions with respect to said target or has a target application or peripheral interface that issues actions for operating the target.

The present invention also allows dynamic update of the diagnosis, prescription, and treatment programs contained within the distribution engine 15 when a new version of a computer software application is released. For example, if the present invention provides training on Microsoft Word (assume version 2.0), a new version of MicroSoft Word (assume version 2.1) could be released after implementing the present invention. Prior to the new version release, the diagnostic 12 includes a program containing a test question set for MicroSoft Word version 2.0. Likewise, the prescription 14 will depend on the old diagnostic 12 and the treatment 16 will provide training treatment designed to teach a user to better use the old version 2.0. Upon release of the new version 2.1, the programs within the diagnostic 12, the prescription 14, and the treatment 16 can be updated to correspond with the latest software version (version 2.1). The diagnostic test questions contained within a diagnosis program can be modified (if necessary) to test for proficiency on the new software version. Each of the tools used within the electronic mentor system (such as the test questions, the help features, the training and job aids, etc . . . ) can be continuously updated and supplied to the organization (and users) on an ongoing basis. The distribution engine 15 can reside in a server separately from the business organization's graphical user interface. The distribution engine 15 can be updated and the users can access the updated programs immediately through the graphical user interface. In this way, the electronic mentor training system of the present invention can provide training on the latest releases of computer software applications without having to load a new version of the electronic mentor. *See Hitchcock* Col. 6: 61 to Col. 7: 23 (emphasis added).

A data interpreter that translates said data into a plurality of actions with respect to said target application or peripheral is a limitation of claims 38, 43, 51, and 61. A target application

interface that . . . selectively issues some of said plurality of actions for externally operating the target is similarly a limitation of independent claims 38, 43, 51, and 61. Because Hitchcock does not disclose a data interpreter that translates said data into a plurality of actions with respect to said target application or peripheral, and because Hitchcock does not disclose a target application interface or a peripheral interface, Hitchcock does not anticipate claims 38, 43, 51, 61 and their respective dependent claims.

### **Claim Rejections – 35 USC §103**

#### ***Hitchcock in view of Judd (U.S. 5,602,982)***

The Office Action alleges that claims 39-41 and 50 are unpatentable over Hitchcock in view of Judd. Applicant respectfully traverses. Applicant fails to find any teaching in Hitchcock or Judd that suggests a motivation to combine the two references. As discussed above, Hitchcock teaches away from a system that translates data into instructions with respect to said target or has a target application or peripheral interface. Thus, Hitchcock teaches away from a software application that takes control of the target application and subsequently releases control of the target application. For these reasons, Hitchcock teaches away from Judd. Moreover, the Judd reference expressly differentiates its system from what it characterizes as “simulation systems” that “merely give the appearance of the software application in actual operation.” See *Judd* Col. 1:49 to Col. 2:8 and Col. 2:42-50. Thus, Judd teaches away from Hitchcock. Because there is not an express motivation to combine and for the further reason that both Hitchcock and Judd expressly teach away from one another, Applicant respectfully requests that the rejections of claims 39-41 and 50, and of claims 54 and 56-57 under 35 U.S.C. §103(a) be withdrawn.

Applicant further notes that Judd does not disclose “a network interface for accessing said plurality of data from a device coupled to a network,” as required by independent claims 43 and 51, nor does Judd disclose video or audio data as required by independent claims 38 and 61.

***Hitchcock in view of Koskinen (U.S. 6,062,862)***

The Office Action alleges that claims 39-41 and 50 are unpatentable over Hitchcock in view of Koskinen. Applicant respectfully traverses.

Koskinen describes “a suite of inter-related multimedia routines, files screens, and user options that provide hands-on experience in complex financial instruments by means of the simulation of a mentor/protege relationship.” See *Koskinen*, Col. 3 lines 39-43. This appears to be done, in part, by providing a set of interrelated files that can be accessed on an as needed or as designated basis utilizing various routines. See *Koskinen*, Col. 6:25-44. Applicant does not find described in *Koskinen* a data interpreter that translates data into a plurality of actions with respect to a target application (or peripheral) and said data, nor does applicant find a target application interface that receives at least some of said plurality of actions and that selectively issues some of said plurality of actions for externally operating the target application (or peripheral). Because neither Hitchcock nor *Koskinen* appear to disclose these limitations, the combination of Hitchcock and *Koskinen* does not disclose them. Upon review of the references, Applicant further fails to find any express motivation to combine Hitchcock and *Koskinen*, and the examiner has identified none. For this additional reason, Applicant requests that the rejection of claims 42, 46, and 48-49 under 35 U.S.C. §103(a) be withdrawn.

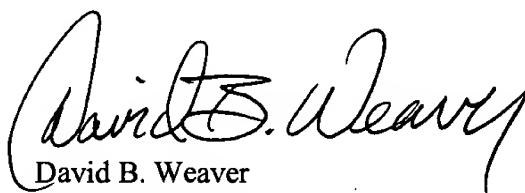
The Office Action further alleges that claims 54 and 56-56 are unpatentable under 35 U.S.C. §103(a) over Hitchcock in view of Judd as applied to Claim 39 above and further in view of Koskinen. Applicant respectfully traverses.

For the reasons given above, namely that Hitchcock teaches away from Judd and Judd teaches away from Hitchcock, Applicant submits that the combination of the two references is not obvious. Applicant further notes that the Judd references similarly teaches away from Koskinen for at least the same reason that Judd teaches away from Hitchcock, and for this further reason, the combination of these three references is not obvious. Applicant respectfully requests that the rejection of claims 54 and 56-56 under 35 U.S.C. §103(a) be withdrawn.

## CONCLUSION

Based on the remarks above, Applicants respectfully request that all rejections under §§ 102 and 103 be withdrawn. Applicants further submit that all the Examiner's concerns have been addressed, and the claims are now in condition for allowance. Such favorable action is respectfully requested. The Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



David B. Weaver  
Registration. No. 43,244  
Attorney for Applicants  
VINSON & ELKINS L.L.P.  
2300 First City Tower  
1001 Fannin Street  
Houston, Texas 77002-6760  
Ph: (512) 542-8446  
Fax (512)-236-3377



Samuel Edward Mann  
Inventor/Applicant

Date: September 17, 2003